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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/318,015	05/25/1999	MARK JEFFREY FOLADARE	113643	9785

7590 01/10/2003

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EXAMINER

TIEU, BENNY QUOC

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 01/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/318,015

Applicant(s)

FOLADARE ET AL.

Examiner

Benny Q. Tieu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1-11, 14-20, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kikinis et al. (U.S. Patent No. 5,960,073).

Regarding claim 1, Kikinis teaches a method of providing communication control functionality to a communication device (Fig. 1, 126) located at a remote location comprising the steps of:

receiving log in information at a server (Fig. 1, 111) via at least one communication network (Fig. 1, 125);

verifying the log in information (column 6, lines 1-5, it should be noticed that log-in procedure is inherently including verification);

obtaining origination address information for the communication device (column 6, lines 47-64); and

establishing a communication link between the communication device 126 and a merchant system (call center), said merchant system providing the communication device 126 with communication control functionality by providing via the at least one communication network 125 said communication control functionality to said communication device 126 to said origination address (column 6, line 65 through column 7, line 9).

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Kikinis fails to teach the feature of a single voice and data communication link.

However, Kikinis suggests that the invention supports alternative media types such as Web conferencing and/or Video Desktop conferencing with an appropriate ISDN connection and software (column 7, lines 33-37). It should be noticed that multi-media calls require a single voice and data communication link. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of a single voice and data communication link as well known in the art to modify/replace the communication device 126 of Kikinis into a multi-media device in order to allow various network schemes and added multimedia capabilities.

Regarding claim 2, Kikinis further teaches the method wherein the communication device 126 is capable of processing voice and data communications (Fig. 1, 131 and 133)

Regarding claims 3-5, see column 6, lines 27-46.

Regarding claims 6-9, see Fig. 1, 126.

Regarding claims 10 and 11, see column 6, lines 11-26.

Regarding claims 14-18, see column 5 , lines 17-27.

Regarding claims 19 and 20, Kikinis teaches a method for processing communications to a communication device (Fig. 1, 126) over at least one communication network (Fig. 1, 125), said communication device being logged into a merchant system (call center), said communication device 126 being capable to receive and send voice and data communications, said communications originating from one or more third party devices (caller), each third party device being identified by origination information, the method comprising:

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receiving a communication request to connect to the communication device associated with the merchant system (column 6, line 12);

determining the availability of the communication device (column 6, lines 14-15);

routing the communication to an available communication device (column 6, lines 15-16);

forwarding to the available communication device information relating to the third party associated with the third party device that originated the communication (column 6, lines 20-25); and

providing the available communication device with control functionality, said control functionality being able to control the interaction between the communication device and the third party device (column 6, lines 27-35).

Kikinis fails to teach the feature of a single voice and data communication link. However, Kikinis suggests that the invention supports alternative media types such as Web conferencing and/or Video Desktop conferencing with an appropriate ISDN connection and software (column 7, lines 33-37). It should be noticed that multi-media calls require a single voice and data communication link. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of a single voice and data communication link as well known in the art to modify/replace the communication device 126 of Kikinis into a multi-media device in order to allow various network schemes and added multimedia capabilities.

Regarding claim 22, see column 6, lines 1-10.

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3. Claims 12, 13, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kikinis et al. (U.S. Patent No. 5,960,073) in view of Bateman et al. (U.S. Patent No. 5,884,032).

Regarding claims 12, 13, and 21, Kikinis fails to teach the method comprising the step of receiving a URL from a party that corresponds to a particular page and forwarding that URL to the communication device. However, Bateman teaches this feature as shown at column 6, lines 31-65. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of URL technique as taught by Bateman into the method disclosed by Kikinis in order to provide an agent an opportunity to serve customers better.

Response to Arguments

4. Applicant's arguments filed October 30, 2002 have been fully considered but they are not persuasive. Applicant has amended the independent claims 1 and 19 to include feature where communication link is a single voice and data link. However, this feature has been suggested by Kikinis as described in the rejection above.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kilander et al. (U.S. Patent No. 5,742,675) teaches a method and apparatus for automatically distributing calls to available logged-in call handling agents.

6. Any response to this action should be mailed to:

Box AF

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Washington, D.C. 20231

OR Hand-delivered responses should be brought to:

Crystal Park II, Sixth Floor (Receptionist)

2121 Crystal Drive

Arlington, VA 22202.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

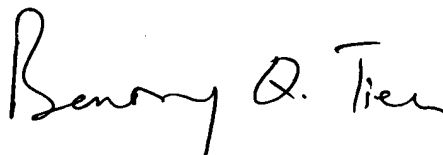
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benny Q. Tieu whose telephone number is (703) 305-2360. The examiner can normally be reached on Monday-Friday: 6:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (703) 305-4731. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-6306 for regular communications and (703) 308-9051 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.



Benny Q. Tieu
Examiner
Art Unit 2642

BQT
January 2, 2003